

ORDINANCE NO. 2

SERIES 2005

AN ORDINANCE AMENDING THE ZONING AND LAND USE ORDINANCE OF THE TOWN OF CRESTED BUTTE TO REMOVE THE REQUIREMENT OF BOARD OF ZONING AND ARCHITECTURAL REVIEW OF PROPOSED CONDOMINIUMS AND TOWNHOUSES.

WHEREAS, the Town of Crested Butte, Colorado (the “Town”) is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the Constitution and the laws of the State of Colorado; and

WHEREAS, the Town’s Zoning and Land Use Ordinance (hereafter “Ordinance”) provides that the Board of Zoning and Architectural Review (“BOZAR”) shall review all plats and declarations or party wall agreements prior to review of such documents by the Town Council (the “Council”); and

WHEREAS, the Ordinance also provides that the Building Department and the Town Attorney shall review such documents prior to the Council’s review; and

WHEREAS, BOZAR’s recommendations are based upon the recommendations of the Building Department and the Town Attorney, and thus, BOZAR’s review is unnecessary and a burden upon applicants that does not further Town interests and may legitimately be removed; and

WHEREAS, it is appropriate that review of such documents be made solely by the Building Department, the Town Attorney and the Town Council;

WHEREAS, the Town Council finds that the below amendments are in the best interests of the health, safety and general welfare of the inhabitants of the Town.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO, THAT,

Section 1. Amending The Ordinance To Eliminate the Requirement for BOZAR review of Plats, Declarations, and Party Wall Agreements.

- A. Section 15-2-18.5.C. is amended by deleting the words “the Board of Zoning and Architectural Review (BOZAR) or”;
- B. Section 15-2-18.5.D. is amended by renaming that section “Review of Documents”;

- C. Section 15-2-18.5.D.1. is amended by replacing the number of days therein from fourteen (14) to twenty-one (21) and replacing both references therein from "BOZAR" to "Town Council.";
- D. Section 15-2-18.5.D.2. is amended by replacing the word "BOZAR" with "the Town Council";
- E. Section 15-2-18.5.D.3. is amended by replacing the word "BOZAR" each of the first two times it is set forth therein with the words "the Town Attorney" and by changing the word "its" to "his or her" and replacing the third "BOZAR" with "the Building Department";
- F. Section 15-2-18.5.D.4. is amended by replacing the word "BOZAR" with the words "the Town Attorney" and by changing the word "its" to "his or her";
- G. Section 15-2-18.5.D.5. is amended by eliminating the words "together with BOZAR" and "and BOZAR" from this section;
- H. Section 15-2-18.5.E.1. is amended by replacing the word "BOZAR" and "BOZAR's" with the words "the Town Attorney" and "the Town Attorney's"; and
- I. Section 15-2-18.5.G.5. is amended by eliminating the words "BOZAR and."

Section 2. Severability. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

Section 3. Savings Clause. Except as hereby amended, the 1987 Crested Butte Municipal Code shall remain valid, and in full force and effect. Any provision of any ordinance previously adopted by the Town of Crested Butte which is in conflict with this ordinance is hereby repealed as of the enforcement date hereof.

INTRODUCED, READ AND SET FOR PUBLIC HEARING THIS _____ DAY OF _____, 2005.

ADOPTED BY THE TOWN COUNCIL UPON SECOND READING AND PUBLIC HEARING THIS _____ DAY OF _____, 2005.

TOWN OF CRESTED BUTTE, COLORADO

By: _____
James A. Schmidt, Mayor

ATTEST:

Eileen Hughes, Town Clerk

SEAL